

*** NOT FOR PUBLICATION ***

NO. 26083

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LYNN HAWKINS, Plaintiff-Appellee/Cross-Appellant

vs.

WAIKOLOA VILLAGE ASSOCIATION, Defendant-Appellant/Cross-Appellee

JOHN MAURO; JOHN DOES 1-10, JANE DOES 1-10 and DOE PARTNERSHIPS,
CORPORATIONS, GOVERNMENTAL UNITS OR OTHER ENTITIES 1-10,
Defendants

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 99-0515)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the circuit court's April 21, 2003 judgment, the Honorable Terence T. Yoshioka, presiding, which purports to be the final judgment in Civil No. 99-0515, does not identify the claim for which the award of \$109,447.67 is made in favor of the plaintiff and against defendant Waikoloa Village Association and does not enter judgment on or resolve all of the plaintiff's claims and all of the defendants' counterclaims, as required by Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1339-39 (1994) (In a multiple claim, multiple party circuit court case, a judgment that purports to be the final judgment is not appealable unless the judgment identifies the claims for which the judgment is entered and on its face, shows finality as to all claims against all the parties. "A statement that declares

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'there are no other outstanding claims' is not a judgment.").

Thus, this appeal is premature and we lack jurisdiction.

Therefore,

IT IS HEREBY ORDERED that this appeal and cross-appeal are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 7, 2004.